



UNITED STATES MARINE CORPS
MARINE CORPS SYSTEMS COMMAND
2200 LESTER ST
QUANTICO, VA 22134-6050

IN REPLY REFER TO:

4200

CT PEO LS

J&A Number: 15,174.0

(CLASS) JUSTIFICATION AND APPROVAL ((C)J&A)
FOR USE OF OTHER THAN FULL AND OPEN COMPETITION

1. Contracting Activity

Marine Corps Systems Command (MCSC)
Contracts Group: Program Executive Officer Land Systems (PEO LS)
2200 Lester Street
Quantico, VA 22134

2. Description of Action Being Approved

The use of other than full and open competition to procure Testing and Engineering Technical Support Services to support the Ground Vehicle Systems within the Marine Corps and other Federal agencies. This (Class) Justification and Approval ((C)J&A) authorizes and approves MCSC to negotiate firm fixed price (FFP), time and material (T&M), or cost plus fixed fee (CPFF) orders, under the circumstances described herein, pursuant to the Basic Ordering Agreement (BOA) with Hodges Transportation Inc. DBA Nevada Automotive Test Center (NATC) of Carson City, Nevada. The authority to act under this (C)J&A will end five (5) years from the date of issuance of the basic ordering agreement.

3. Description of Supplies/Services

The proposed agreement action is to procure Testing and Engineering Technical Support Services for the Marine Corps and other Federal agencies for Ground Vehicle Programs. The Contractor shall utilize its facilities, test ranges, and engineering expertise to conduct ground vehicle testing over representative terrain and under climatic conditions consistent with those encountered during Marine Corps operations worldwide, based on the Marine Corps robust durability standards and the extreme roughness of the operational mission profiles. Additionally, the Contractor shall be required to provide technical support, program management support for the specific task or effort, logistical support during testing of the system, systems engineering support to derive performance requirements and identify threshold performance values for legacy and developmental ground vehicle systems and sub systems utilizing alternative fuels, onboard power sources, fuel efficiency

upgrades, advanced suspension components and other emerging technologies. The Contractor may also perform vehicle related testing that utilizes vehicles as prime movers, such as radar and trailer testing. Testing may include the following types of test:

- Accelerated Life
- EMI Testing
- Federal Motor Vehicle Safety Standards (FMVSS) Testing
- Ground Vehicle Testing
- Vehicle Dynamics
- Terrain Profiling
- Tire Testing
- Virtual Proving Ground
- Performance/Mobility
- Reliability, Availability, Maintainability and Durability (RAM-D)
- Acceleration and Braking
- Transportability
- Corrosion/Environmental
- Fording/Deep water swimming
- Rollover and other non- FMVSS safety tests
- Weapons testing
- Characteristics (examples: Center of Gravity, weights)
- Survivability
- Vehicle Occupancy Protection

As required by orders placed under the BOA, the Contractor shall provide engineering support for testing. Such support may include the following:

- Engineering/technical assessments of operational safety issues and test failures
- Review and recommendations related to prime Contractor responses to test incident reports
- Engineering/technical recommendations for correction of test related issues
- Preparation of documentation of test results (test reports, test incident reports, etc.)
- Modeling & simulation, including mobility modeling and other computer based simulations of vehicle and test events
- Development and application of test related instrumentation
- Other engineering support for ground vehicle systems to include vehicle and subsystem prototype design, modeling, fabrication and testing

In accordance with the approved Management and Oversight Process for the Acquisition of Services (MOPAS), the Marine Corps requests authority to use other than full and open competition to acquire the above referenced services through negotiated orders. The orders will be Firm Fixed Price (FFP), Time and Material (T&M) or Cost Plus Fixed Fee (CPFF) covered by this (C)J&A. FFP orders will be the primary choice and will be utilized when the effort has detailed a requirement that permits both parties to adequately estimate the cost. T&M will only be used when it is not possible to accurately estimate the duration of the work or the anticipated costs (FAR 16.601) and will be supported with an approved Determination & Findings (D&F). CPFF will be used when effort cannot be adequately estimated; however, negotiated fee will remain unchanged. The Government's minimum needs have been verified by technical and requirements personnel.

The orders issued under the BOA will be issued non competitively under one of the following circumstances:

- (1) The Government requires a particular service and market research has indicated NATC is the sole vendor with the capability to perform the service, or
- (2) The Government requires a combination of services and market research has indicated NATC is the sole vendor with the capability to perform all the required services.

The orders issued under this BOA will be funded with appropriations from Research, Development, Test and Evaluation (RDT&E), Procurement or Operation & Maintenance (O&M) funds.

Each order will specify a delivery date for items/services ordered under this agreement. The orders will be completed in accordance with each order's specific task requirements. The ordering ceiling amount for this agreement is \$49,500,000. The estimated dollar value is identified in table below:

Estimated Dollar Value

	FY12	FY13	FY14	FY15	FY16
RDT&E	\$ 7,285,962	\$ 7,582,422	\$ 7,889,258	\$ 8,206,831	\$ 8,535,525
PMC	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000
O&M, MC	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000
	\$ 9,285,962	\$ 9,582,422	\$ 9,889,258	\$10,206,831	\$ 10,535,525
EST TOTAL			\$49,500,000		

4. Identification of Statutory Authority

The statutory authority permitting use of other than full and open competition is 10 U.S.C. 2304(c)(1), as implemented in Federal Acquisition Regulation (FAR) 6.302-1(a)(2)(ii), Only one responsible source and no other supplies or services will satisfy the agency's requirements.

5. Rationale Justifying Use of Cited Statutory Authority

Pursuant to FAR 10.002 (b)(2), Market Research was completed by the Program Executive Office (PEO) Land Systems (LS) for ground vehicle testing and engineering support. Market Research results are attached.

Twenty (20) sources were identified to be potential offerors. These included eighteen (18) commercial vendors which included NATC and two (2) Government test facilities, Aberdeen Testing Center (ATC) and Yuma Proving Ground (YPG). These sources were identified as those that may have the capability to provide the required services. Program managers completed web surveys of commercial facilities and telephone interviews with commercial companies and Government personnel at ATC and YPG.

Of the 20 solicited, NATC, a small business, is the only potential offeror that demonstrated the capability to satisfy all of the Government's requirements. No other commercial or Government facility can provide a test environment with the environmental and operational test ranges that meet the specific Marine Corps operational mission profiles for which the operational performance requirements of the Marine Corps ground vehicle systems were originally designed. NATC is the only known source that can provide all of the required Marine Corps mission profile test environments. See Market Research attachment.

In those situations where the requirement is for a particular test or service that only NATC can provide, MCSC will award a delivery order to NATC under the BOA, on a sole source basis. In those situations where the USMC requirement is for a combination of services and NATC is the only vendor that can provide them all, MCSC will likewise award an order to NATC under the BOA, on a sole source basis. In these latter situations, the alternative would be to split the requirement into its individual design, modeling and simulation and prototype build services. The costs associated with conducting these efforts at various locations with multiple contractors would increase the costs and risk to accomplish these efforts within the desired schedule parameters,

unreasonably duplicating cost to the Government and leading to unacceptable delays in fulfilling USMC requirements.

The PEO also reviewed technical publications and contacted knowledgeable individuals in the Government and industry regarding market capabilities to meet requirements. It has been determined that:

- there is no existing DoD contract that will satisfy this requirement nor are
- the required services available under an existing non-DoD contract.

6. Efforts Made to Solicit Offers Potential Sources

In accordance with FAR 5.201, the proposed action was synopsisized on the FEDBIZOPPS website on 12 April 2010, describing the Government's intent to issue a Basic Ordering Agreement (BOA) to NATC on a sole source basis. No potential Offerors or sources expressed an interest to this announcement. The effort was re-synopsisized on 11 January 2011; in order to obtain a more current picture of the market. Other than the response noted below, no other response was received. There are no other interested sources anticipated for this acquisition.

The Government received one (1) request from Ricardo Inc. at 4000 Ricardo Drive, Van Buren Township in Belleville, MI after the closing of the second synopsis. The Contractor requested that consideration be given to separate the requirement into segments so its company might participate; the Contracting Officer (CO) requested that the Program Office assess the contractor's technical capability to perform in accordance with the SOW. The contracting officer sent Ricardo Inc. the questions that were used for the market research. Upon receipt of the contractor's response, it was noticed by the CO that Ricardo did not answer all questions, nor did he submit any supporting explanations or documentation. A second round of questions in response to the lack of clarity was sent; however, Ricardo's submission was still unclear and restrictive. The technical review results illustrated that Ricardo, Inc. did not demonstrate the capability to meet the Government's requirement. Particular areas are identified as follows:

- To meet the USMC's fabrication need; Ricardo did not provide a specific program or vehicle that they had/have fabricated that passed the ballistic testing at Aberdeen Test Center due to reasons of confidentiality. Ricardo further stated that they "typically, sub-contract the fabrication of armor systems to well qualified partners,

and have prior experience working with two such vendors in the SE Michigan area. Ricardo's armor fabrication role reflects minor re-working of materials during build events."

- Without test capability, Ricardo Inc. would have to subcontract out to another test facility to validate the models produced;
- Failure Analysis assertions were stated but not supported;
- Participation with private industry was implied but no company identity was given; therefore, extent of involvement cannot be ascertained.

The technical analysis did reveal that the Contractor was qualified in modeling and simulation. The requirement for modeling and simulation is minimal and does not warrant a BOA to be issued separately for this task.

7. Determination of Fair and Reasonable Cost


In accordance with Federal Acquisition Regulation (FAR) 15.402, the Contracting Officer will ensure that all supplies and services covered by this (C)J&A are procured at a fair and reasonable price using Independent Government Cost Estimate (IGCE), cost and price analysis, prior similar contracts, through historical pricing data, audits, and other means as deemed necessary. Field pricing support from DCMA and DCAA will be requested to evaluate cost drivers. Overhead and other indirect rate applications will be reviewed for reasonableness. Additionally, the Contracting Officer will utilize the Should Cost developed for the Ground Vehicle Programs.

8. Actions Taken to Remove Barriers to Competition

The circumstances surrounding the need to obtain the required services without providing full and open competition will be reviewed annually by the Contracting Officer. Therefore, for the reasons set forth in paragraph 5, MCSC has no plans at this time to compete future requirements for the supplies/services covered by this Class J&A. If another potential source emerges, MCSC will assess whether competition for future requirements is feasible.

TECHNICAL AND REQUIREMENTS CERTIFICATION:

I certify that the facts and representation under my cognizance which are included in this justification are complete and accurate, to the best of my knowledge and belief.



RUBEN J. GARZA, MARINE CORPS COORDINATOR,
JOINT CENTER FOR GROUND VEHICLES
PEO LAND SYSTEMS
PHONE: 703-432-5124

21 Nov 2011

DATE

LEGAL SUFFICIENCY REVIEW:

I have determined that this Justification is legally sufficient.



DAVID P. INGOLD
COUNSEL
MARINE CORPS SYSTEMS COMMAND
PHONE: 703-432-3893

9 DEC 2011

DATE

CONTRACTING OFFICER CERTIFICATION:

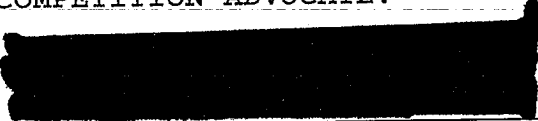
I certify that this Justification is accurate and complete to the best of my knowledge and belief.


BRENDA F. KEIPER
CONTRACTING OFFICER
MARINE CORPS SYSTEMS COMMAND
PEO LAND SYSTEMS CT PEO LS3
Phone: 703-432-3168

9 Dec 2011

DATE


COMPETITION ADVOCATE:


STEPHEN J. CARACCIOLO
COMPETITION ADVOCATE
MARINE CORPS SYSTEMS COMMAND
PHONE: 703-432-3919

16 DEC 2011
DATE

MARINE CORPS SYSTEMS COMMAND APPROVAL:

Upon the basis of the above justification, I hereby approve, as Executive Director for the procuring activity, the solicitation herein using other than full and open competition, pursuant to the authority of 10 U.S.C.2304 (C)(1) as implemented by FAR 6.302-1(a)(2)(ii).



JOHN D. BURROW
EXECUTIVE DIRECTOR
MARINE CORPS SYSTEMS COMMAND
PHONE: 703 432-1800

2/2/12

DATE